

REMARKS

This is in response to the Office Action of December 21, 2006. With this response, claims 1, 15-19, 39, 50-51, 56 and 109 are amended, claims 46 and 57-108 are canceled and a Terminal Disclaimer against U.S. Patent No. 6,351,102 is submitted herewith. Reconsideration of all pending claims 1-4, 5-45, 47-54, 56, 109, 111 and 112 and favorable action are respectfully requested.

In the Office Action, an objection was raised against claim 56 and an issue related claims 45 and 46 were raised. Those claims have been amended or canceled and it is believed that the objection and rejection may be withdrawn.

In Parts 3 and 4 of the Office Action, a Double Patenting Rejection was raised based upon U.S. Patent No. 6,351,102. A Terminal Disclaimer is submitted herewith and it is believed that that rejection may be withdrawn.

In the Office Action, a number of claims, including the independent claims, were rejected under 35 U.S.C. § 102(e) based upon Gollomp (US 6,424,157). It is believed that the independent claims, as well as the dependent claims, are patentably distinct from this reference.

The Gollomp reference in general describes measuring voltages in a vehicle. However, Applicant has reviewed the sections highlighted by the Office Action and is unable to identify where in Gollomp a starter test is performed on a starter of the vehicle which is an indication of starter condition or where a charger system test is performed on a charger system of the vehicle which is an indication of charging system condition. Applicant has amended the independent claims to clarify this distinction. Therefore, the rejection against the independent claims, along with the dependent claims, should be withdrawn.

Additionally, Applicant notes that much of the elements added in the dependent claims are not shown by the cited references, and certainly not shown when read in combination with the claims from which they depend. For example, claim 2 includes a user input configured to receive a battery rating from a user. Gollomp col. 7, line 63 to col. 8, line 5 is cited. However, this section refers to data stored in a non-volatile memory (ROM). Similarly, claims 2 and 3 also relate to a user input.

Claims 5-8 do not appear to be addressed in the Office Action.

Claims 9, 11, and 12 relate to battery test based upon conductance, impedance and admittance, respectively. Col. 4, lines 1-27 and col. 1, line 40-42 are cited in the Office Action. However, those sections do not contain the claimed element.

Claim 13 includes instructing an operator to start the engine of the vehicle to perform a starter test. The Office Action finds this implicitly in the Gollomp reference. However, this, in fact, is not implicit in Gollomp which actually teaches away from the claimed invention and relies on the operators starting the engine on their own volition.

Claims 15-19 are directed to certain outputs of the invention. The Examiner noted the word "indicate". This language has been removed from the claims. In any event, the Gollomp reference does not show the claimed output.

Claims 20-22 relate to the charging system test. These claims are directed to certain steps that are included in the charging system test. The Gollomp reference does not show such techniques for performing a charging system test.

Claim 30 relates to providing an output which comprises battery rating. The cited sections in Gollomp do not appear to show such a configuration. For example, col. 7, line 65 to col. 8, line 9 relates to data stored in a memory.

Claims 32-35 relate to various outputs. It is not clear whether the Gollomp reference provides such output.

Claim 39 relates to using the battery test to prevent incorrectly identifying an output from a charging system test as indicating that the charging system is faulty. The cited section of Gollomp does describe assigning a failure in battery charging to the charging system. However, there is no actual test performed on the charging system itself.

Claims 44 and 45 state the starter test and the charging system test, respectively, are functions of the battery test. Applicant is unable to find where these tests are performed and how they could be a function of the battery test in Gollomp. Further, rejections of numerous dependent claims rely on combinations with multiple references. Applicant notes that there is simply no reason why these references should be combined to arrive at the claimed invention.

Claims 109 and 111-112 were also rejection along similar lines. Claim 109 has been amended similar to claim 1 and similar comments are made with respect to claims 111 and 112 as those made above.

In view of the above amendments and remarks and accompanying Terminal Disclaimer, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Judson K. Champlin, Reg. No. 34,797
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKC:lrs